

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	<b>Criminal No. 01-02 Erie</b>
	)	
<b>MTU AKILI</b>	)	

**Memorandum Order**

Presently before the Court is Mtu Akili's *pro se* "Title 28 USC § 1651(a) Writ of Error *Coram Nobis*, A Misapplication of Career Offender Based Upon Two (2) Prior Convictions Where No Intervening Arrest Occurred." ECF No. 77. Mr. Akili seeks to have the Court correct his sentence arguing that he was sentenced as a career offender and that the career offender designation was in error. We previously denied Mr. Akili's prior motions to correct an alleged error regarding how two of his convictions were reported and counted in his Presentence Report, and allegedly resulted in his erroneously being designated as a career offender.

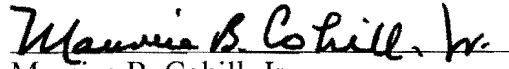
As we stated in our prior Order, we are without jurisdiction to entertain a legal challenge to Mr. Akili's criminal history contained in his Presentence Report. The time for challenging the Report has long passed.

We also disagree with Mr. Akili's contention that there the two separate criminal convictions counted by the Probation Office should have been calculated as one offense. In one conviction he was charged with possession with intent to distribute cocaine on October 20, 1993. In the other conviction he was charged with Armed Bank Robbery, Conspiracy to Commit Armed Bank Robbery, and related firearms charges for events occurring between July 22, 1993 and December 15, 1993. The crimes occurred on different days and were not

related. The fact that the two convictions were tried together or that evidence of drugs and evidence of an armed bank robbery were discovered during the same search on September 23, 1999, is not evidence that the convictions are related. Thus, we would have denied a challenge to the scoring of these convictions in the Presentence Report had it been timely raised.

Accordingly, the following Order is hereby entered.

AND NOW, to-wit, this 21<sup>st</sup> day of September, 2013, it is hereby ORDERED, ADJUDGED, and DECREED that the Petitioner's "Title 28 USC § 1651(a) Writ of Error *Coram Nobis*, A Misapplication of Career Offender Based Upon Two (2) Prior Convictions Where No Intervening Arrest Occurred." (ECF No. 77) be and hereby is DENIED.

  
Maurice B. Cohill, Jr.  
Senior United States District Judge

cc: Mr. Mtu Akili, pro se  
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